The communicative power of trade unionism: labour law, political opportunity structure and social movement strategy

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Abstract:

This article argues that more emphasis should be paid to the communicative power of trade unionism because it may constitute a starting point or a privileged standpoint which a trade union may use to counter its weakness regarding its other sources of power. Reviewing the trade union revitalisation literature, it is argued that social movement theory in general and especially 'political opportunity structure', can complement and enrich the power resources approach which is a useful tool in the analysis of trade union action. The case study of a weak trade union winning a strike largely as a result of its successful utilisation of its communicative power is presented where the public communication of the two sides to the conflict is subjected to content and discourse analysis. The article argues that trade unions can enhance their position through the adaptation of social movement strategy and campaign tactics into trade union activity because social movements are more accustomed to orienting their action in the public sphere. In this effort trade unions may draw upon the more explicitly normative and substantive dimension of labour law as a resource to legitimise and garner support for the unions' objectives framing in a more expansive manner the issues at stake so that a significant section of society can identify with the trade union struggle at hand.

Key words:

trade unionism, power sources, communication strategy, labour law, strikes

JEL codes:

J51 Trade Unions: Objectives, Structure, and Effects

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1. Introduction

The weakening of trade unionism has a been a constant concern of trade union activists and scholars in the last four decades and there has been a sustained effort to reverse this almost universal trend. In considering trade union weakness or power, it can be useful to distinguish between four resources of power: economic-structural, associational-organisational, institutional and societal-communicative. This article focuses on the societal/communicative resource of trade union power and argues that in conditions of generalised trade union weakness it may constitute a starting point or a privileged standpoint for trade union revitalisation. Specifically: successful mobilisation of the societal power resource may both balance out trade union weakness with regards to the other three resources of power but may also serve as 'leverage', which a trade union may use to strengthen its position vis a vis the

other three resources. Two useful tools in this direction are a different and more expansive approach to, and use of, labour law, and an adaptation of social movement strategy and campaign tactics into trade union activity. These two tools draw on a political understanding of law and its normative dimension and from the experience of social mobilisations outside of the workplace.

Labour law is usually treated as part of the background 'context' of industrial relations. Beyond its formal sense as providing the institutional background and the procedural framework in which industrial relations actors act, law has a normative dimension which is often taken for granted. Whereas trade unions are aware of the possibilities of an instrumental use of the law, as for example in the increasing resort to strategic litigation observed in recent times, the normative power of the law and its use as a resource to legitimise and garner support for the unions' objectives and strategies, has received less attention.

Similarly, whereas framing is generally considered a key part of social movement action, it is less often used and less well developed in trade unionism, where action is seen as essentially more workplace centred with communication at best playing a subsidiary role. Utilising social movements' pro-active predisposition to a communicative emphasis for trade union purposes can be key in the building of social coalitions and the winning of public support. With an expansive framing of the issues at stake, a significant section of society will likely find it easier to identify with the trade union struggle at hand. In this way, through a process of strategic framing and narrative development, a trade union may both increase its 'power-to' capacity with respect to its members, supporters and the broader public, as well as its 'power-over' capability with respect to the damage and consequent pressure inflicted upon the employer.

In addition to the trade union literature, the article draws insights from mobilisation and media studies to deepen the analysis of the communication politics which structure trade union campaigns and labour disputes. Empirically it is based on a successful strike of precarious academics in Cyprus in January 2018 by a small trade union, weak in terms of its economic-structural, associational-

organisational and institutional power resources. This case study provides an example wherein working conditions were improved as a result of a collective action initiative. Investigating how this became possible against all odds, in a setting of neoliberalisation of academia and European post-crisis austerity, illustrates the analytic utility of the trade union power resources approach. In addition, it informs the theory further by presenting specific instruments shaping trade union strategy and tactics, with relevance far beyond the case study itself.

2. Trade unionism and its revitalisation: power resources and social movement theory

The power resources approach to the study of trade unionism has been developed by researchers, drawing on the work of Wright (2000) and Silver (2003), as a heuristic tool to aid empirical analysis. The approach, or model, identifies four distinct yet inter-related and complementary resources of trade union power: economic-structural, associational-organisational, institutional and societal-communicative (Gumbrell-McCormick & Hyman, 2013; Lehndorff, Dribbush & Schulten, 2017, Müller & Platzer, 2017; Schmalz, Ludwig & Webster, 2018). Economic-structural refers to the ability of the trade unions to exploit the strong position of their members in markets and sectors and to utilise their workplace and industrial power. Associational-organisational refers to the capacity of trade unions to unite and mobilise workers and exert pressure as a collective force. The institutional power resource refers to trade unions' utilisation of legal, political and regulatory systems and their acknowledged position within these to negotiate employment and social policy terms with employers and the state. Finally, the societal or communicative power resource refers to the influence trade unions have at the level of society and the extent to which they are able to build coalitions and shape public discourses and ultimately public opinion. The extent to which a particular trade union might draw from these four resources of power will vary according to the national and sectoral context within which it operates, the prevailing socio-economic and political-cultural conditions, and its own historical trajectory.

In the last quarter of the 20th Century trade unionism faced increasing difficulties in drawing from all four resources of its power. Economic restructuring and the rise of multinational corporations, the

fragmentation of the production processes and the shift to services eroded trade union control both of production and of the labour force, as globalisation processes expanded and trade union density contracted (Schmalz & Weinmann, 2016). The rise and consolidation of neoliberalism as a policy frame by the 1990s eroded further the institutional resource of power of trade unions as social dialogue was hollowed out, collective bargaining decentralised and the labour market deregulated (Crouch, 2013; Bogg & Dukes, 2013). At the societal level, neoliberalism as a social ideology promoted rampant individualism, identity formation through consumption patterns, depoliticization and market fundamentalism making less relevant trade union collectivist and solidarity values, class identities and social democratic political orientations among the labour force, attributes that were dominant in the post-World War II period (Seymour, 2014; Ioannou & Charalambous, 2019).

Trade union power resources did not dry up but became scarcer, requiring trade unions to think and act more strategically to make the most of what was left (Lévesque & Murray, 2010). Their preoccupation with protecting their remaining members and what they could from their previous gains rendered them more reluctant to push forward generalised demands and embark upon sustained campaigns to recruit peripheral workers where the young, migrants and women were over-represented (Murray, 2017). This gave rise or credence to discourses about inter-worker conflicts between insiders and outsiders as well as a more general questioning about where trade unionism stood (Standing, 2011; Hyman & Gumbrell-McCormick, 2017; Dukes, 2019). Signs of change were observable from the 2000s, as European trade unions began to realise that precarious employment was here to stay and that the deteriorating institutional environment for union representation and collective bargaining meant that trade unions needed to reach out to the peripheral workers (Serrano, 2014; Pulignano, Meardi & Doerflinger, 2015; Simms, Eversberg, Dupuy & Hipp, 2018; Meardi, Simms & Adam, 2019). However, although it was increasingly accepted that trade unionism had to be revitalised or risk becoming marginalised, revitalisation attempts remain fairly conservative in their aims and modest in their outcomes (Gumbrell-McCormick & Hyman, 2013).

The favoured route towards revitalization of trade unionism has been the "organizing model", originating in the US and based on recruitment campaigns in primarily low paid service sectors (Connolly, Marino & Martinez Lucio, 2017; Ibsen & Tapia, 2017), or more broadly the organizing turn (Heery, 2015). The attempt to boost the associational-organisational power resource of trade unions has more recently been accompanied by a new interest and focus on global commodity chains and logistics due to their high potential to improve trade unionism's access to the economic-structural power resource (Sowers, Ciccantell & Smith, 2018).

The economic crisis which hit Europe in the last decade, and Southern Europe with particular severity, has inflicted further damage on trade unions, rendering revitalisation even more urgent (Bernaciak, Gumbrell-McCormick & Hyman, 2014). There have been signs that the mutual suspicion between trade unions and social movements has been declining, as trade unions engaged in mobilisation activities in most south European countries and, in doing so, inevitably interacted with other social forces co-existing in a de facto anti-austerity united front (Della Porta, 2015; Dias & Fernandes, 2016; Diani, 2018). Alliances with civil society organisations and social movements, or at least the recognition of their importance, have been gaining ground for more than a decade. They are considered not only a positive step, but an inescapable route, if trade unionism is to avoid marginalization (Della Porta, 2006; Hyman, 2015; Hyman & Gumbrell-McCormick, 2017; Cha, Holgate & Yon, 2018). In different ways and forms consumer groups, NGOs, religious and community groups, environmental organisations and social activist networks have been proposed as natural or possible allies of trade unions in small and bigger campaigns and struggles – an axiom already established with the alter globalization or global justice movement at the turn of the 21st Century (Frege, Heery & Turner, 2004; Le Queux & Sainsaulieu, 2010).

For this societal route to be possible, trade unionism needs to be capable of framing the issues at stake in more generalized terms, developing more inclusive and encompassing narratives (Lévesque & Murray, 2017). Strong coalitions are built on the logic of a convergence of interests, material or ideational. Sustaining them requires a lot of effort as well as the agency of persons situated at nodal

points intersecting the groups. More importantly, mobilization is never a purely organizational matter, but always also political, and its occurrence and success depend on the political opportunity structure at a given time. Tarrow (1994) identifies five dimensions that shape the prospects of successful mobilization by social movements: a) the degree of openness of the political system, b) the existence of influential movement allies, c) the degree of stability of political alignments, d) divisions within the elite and e) the willingness and ability of the state to repress. All of these are context-dependent and conjunctural and effectively focus more on the environment largely external to the movement rather than on attributes and capacities internal to it, such as for example in resource mobilization theories (Tilly, 1978; Jenkins, 1983). Nevertheless, what links these two main schools in social movement theory is the agency of the core or the leadership of the movement to utilize efficiently and effectively its strengths, or the opponents' weaknesses, to act strategically and to devise innovative tactics to address the realities on the ground.

Social movement theory has important insights to offer to the power resources approach of trade unionism. Whereas resource mobilization theory can detail the factors, the possibilities and the prospects of enhancing and expanding trade union associational/organisational power and suggest means and ways with which this can be achieved, the political opportunity structure can inform questions of policy and action, orientation and alliances, strategy and tactics. More importantly, predisposed as this theory is towards the external context and focusing on the difficulties and the obstacles to success faced by movements and the conditions prevailing in the opposite camp, it is especially useful in the study of weaker and less institutionalized trade unions that have fewer options in front of them. The focus of 'political opportunity structure' on the societal and the political levels can inform the power resources of trade unionism approach, by illuminating the dynamics in the institutional and the societal/communicative realms and revealing the limits as well as the possibilities existing for trade union campaigns at given national, sectoral and company-level contexts and times.

However useful it is for these purposes, the power resources of trade unions' model, built as a broad framework and oriented both as a tool of analysis as well as trade union policy, has limitations in

terms of theory building. Namely, it cannot capture adequately the extensive range of factors affecting collective action, nor provide an intensive analysis of a particular set of them. For this, it needs to be complemented with insights from political sociology and the sociology of communication which can point more specifically to the power dynamics and how these are also publicly mediated and shaped. Combined with political opportunity structure, the power resources model can be used to produce a more nuanced discussion of the political context of trade union action and thus contribute to the literature as well as the goal of trade union revitalization.

Another insight that social movements can provide to trade unions, and social movement theory to the power resources of trade unions approach, is the paying of significant attention to framing. Kelly (1998) identified the importance of framing and considered it a key parameter in transforming discontent into mobilization. In his seminal work, putting mobilization at the centre, Kelly sought to revitalize both trade union practice and industrial relations scholarship through social movement theory. The framing of the issue at hand in terms of justice and the ability to identify the opponent which is committing the injustice is key to collectivizing efforts and to galvanizing resistance (Gahan & Pekarek, 2013). This is because political economy also always entails a moral economy (Narotzky, 2016).

Strategic framing of group-based grievances is crucial in mounting collective challenges to opponents, fostering solidarity among supporters and sustaining participation (Jasper, 2011). By emphasizing injustice, movements not only demand an alternative, but also expose an unfairness which is deemed fundamental and cannot be resolved within the confines of existing processes. Hence framing – that is the selective punctuation and encoding of situations, events, experiences and sequences of actions in the form of interpretative schemata – is indispensable to mobilizations in developing their perspectives and communicating their claims (Snow & Benford, 1992). Collective action frames entail both discursive practices and strategic communication as the two are often blurred, more so in the age of personalized internet communications and social media use (Caraway, 2018).

After this literature review which introduced the conceptual framework, the next two sections identify the context and outline the case study upon which the analysis of the subsequent sections is based.

3. Precarious labour in a neoliberal context: the higher education sector

The university sector has expanded continuously since the postwar decades, within countries, regions and globally. Recently the expansion has accelerated. While its pace and form have varied across countries, what has been described as a 'neoliberalisation' or 'corporatisation' trend has been observable everywhere, shaping the operational logic of universities in similar ways. The enhanced internationalisation processes and the rise of the rhetoric of the 'knowledge economy' encouraged higher education reforms in the direction of marketization, as did the more generalised political and economic frameworks of states and regions (Olssen & Peters, 2005; Harland, 2009). Profound institutional changes have resulted in transforming not only management and operational structures but also employment relations, the nature of academic work and academic work identities (Rhoades, 2007). Segmentations within the academic labour market have expanded and intensified as tenured and tenure-track positions have decreased relative to the ever-growing prominence of a variety of non-tenure-track, fixed-term and often part-time positions of various sorts in both teaching and research creating a quasi-peripheral "invisible" or "contingent" faculty (Goastellec et al., 2013).

As the population of academics trapped between the end of their PhDs and regular academic employment across and within countries has grown, the euphemistic term "early career" researchers – ECRs – has been widely adopted to describe them. While there is substantial diversity in the terms and conditions of employment of ECRs, there are by now certain standard parameters. Irrespective of how good the terms of post-doctoral employment may be, this expanding group of academic workers does not enjoy the stability necessary for planning their personal and professional lives at a critical moment in their life trajectories; typically their 30s. Flexibilization becomes the norm and these people are subjected to long periods of consecutive and intermittent employment, project by project, or semester by semester: always temporary, the future always uncertain (Morgan & Wood, 2017). As

they struggle in a very competitive labour market with scarce positions, ECRs – like other precarious knowledge workers – must increasingly market not only their capacity for work but aspects of their personal and social identity (Armano & Murgia, 2013). Beyond the encroachment of working time into leisure time often this may involve the colonisation of personal and social relations by professional goals and continuous self-promotion. ECRs are thus driven into more individualised paths of action and modes of thinking, prioritising not only self-disciplined hard work but also internalising the neoliberal twist of the self-realisation idea as the identification of those personal attributes and qualifications as 'soft skills' to be developed and promoted (Spyridakis, 2018; MacDonald & Giazitzoglu, 2019).

In addition to the structural and political obstacles inherent in precarious work, collectivism or trade unionism therefore faces an additional, more ideological hurdle – that of rendering collegiality and solidarity not only as a starting point but also as a value in itself. Nevertheless, there have been several initiatives and collective attempts in many countries including the joining of existing bigger unions as well as autonomous campaigning and strikes. These have occurred both in the US where the adjunctification of academia is most advanced (Gilbert, 2013; Atkins, Esparza, Milkman & Moran, 2018) and in European countries (European Trade Union Committee for Education, 2018; Gallas, 2018; Martinez, 2018; Precademics, 2019). Campaigns included a wide range of issues and repertoires of action including struggles of recognition of academic and employee status, informing colleagues and the wider public about prevailing conditions, symbolic protests and sit-ins and articulating sets of demands to university and state authorities. Typically, such campaigns involve a combination of organisational impetus to reach out to and persuade colleagues to join or support the initiative, and an institutionalisation strategy via exerting pressure on faculty staff and university administrations to agree to changes in current policy and practices.

4. The case study: context, data and methods

The Cypriot Trade Union of Doctoral Scientists in Teaching and Research (DEDE) was formed in late 2015 in response to the precarisation of academic work. Increasingly, PhD graduates were pushed into successive low paid temporary teaching and/or research contracts where they remained trapped for many years with only limited prospects of ever being permanently employed. Although as mentioned above this is a largely global phenomenon, the limited substantive university regulation made it particularly enhanced in Cyprus and allowed it to worsen during the crisis years (2011-2016). The university sector in the Republic of Cyprus has existed for less than thirty years and has expanded at a very fast pace. In the last decade, overall expansion in terms of student numbers and research activity continued unabated despite the crisis[1]; however, staff employed to service this expansion were largely offered only non-standard contracts, both in research and teaching.

DEDE is a national trade union of PhD graduates but based in the biggest public university, the University of Cyprus, where it has most of its members and where the initiative of its establishment originated. Its two main demands are (i) in the medium term the opening of standard academic positions for research and teaching, in line with the actual needs of the universities and (ii) in the immediate term the improvement of the conditions of contingent faculty temporarily employed in teaching and post-doctoral research. After two years of failure of the negotiations to result in the concrete implementation of a series of orally agreed measures by late 2017, DEDE reached a deadlock (DEDE, 2018h). It broke this deadlock with two days of strike action, which then forced the University of Cyprus authorities to negotiate, agree and implement a series of measures in partial fulfilment of DEDE's short-term and medium-term demands (DEDE, 2018a)[2]. The timing of the strike was strategically chosen as the second week of the spring semester, which was also the week

[1] The total number of students in tertiary education expanded from 21 000 in 2006-2017 to 45 000 in 2016-2017 (Republic of Cyprus, 2019). In the mid-2000s two further public universities were established and three private colleges were also licensed as universities while in the early 2010s two further private universities were established. The University of Cyprus continued expanding and a new campus was built to house its needs in the early 2010s.

[2] DEDE's strike speeded up the opening of several regular faculty and visiting positions, increased remuneration of the teaching hourly rate, opened up a new call for post-doctoral positions with increased salaries, abolished the rule excluding contingent faculty with three year experience from competing for teaching posts, instituting instead affirmative action (see further below), and instituted a system whereby contingent faculty employed in teaching posts would have access to small funding for the research they did. The remaining issues were assigned to dialogue in the next academic year.

before the national presidential elections. This allowed the union to target high visibility, to seek allies among divided elite actors and to mitigate the risk of repression.

The data set used in this article is drawn primarily from all the relevant information publicly available in the press, the trade union's website and Facebook page. This is supplemented by the author's access to the internal communications of DEDE, and by participant observations facilitated by the author's involvement in the dispute as a member of the trade union board and committee leading the strike. The time frame is mid-2015 to mid-2018, covering the whole campaign from the establishment of the trade union to the implementation of the concessions won. A particular focus lies with the weeks preceding the strike action, which took place on 22nd-23rd January 2018. The study uses discourse and content analysis as the primary methodology to examine the key frames and narratives promoted in the announcements of the trade union and the University authorities as they played out in the public sphere.

All the statements released by the two parties in chronological order are analysed singling out both the key arguments articulated but also the perspectives adopted (defining the issue, presenting the opponents' and one's own stance in it, projecting the implications). All the announcements issued by the two sides were circulated via their websites, social media pages and email lists as well as published in the media, albeit some of them in a shorter form as edited by journalists. Additionally, some of DEDE's key announcements addressing students were printed and distributed as leaflets.

Whereas the formal statements of the two sides constitute the main body of data, comments made in media websites and social media re-posts are also considered in the assessment of what was more and what was less significant in the discursive dimension of the conflict. The author's positionality in the strike committee and access to non-public exchanges, within DEDE's membership, conversations with other civil society organisations and interested members of the public as well as the negotiations before and after the strike action was also instrumental in evaluating the importance of the different elements within and around the conflict. However social media comments and ethnographic data

remain secondary compared to the formal public announcements and are used mostly for refining triangulation and describing the context. Comparing competing frames, narratives and their evolution, and examining these in parallel with actual developments on the ground, allows for the drawing of broader inferences regarding the societal / communicative power resource of trade unions.

More specifically the selected texts referenced in the following sections demonstrate the competing frames used by the two sides to build their conflicting discourses. These frames centred on a) the type of work performed and the corresponding employment relation and b) the nature of the conflict and the corresponding blame allocation. The public statements of the two sides were subjected to content and discourse analysis in order to identify the dominant frames employed and when examined together in chronological order of publication and in dialogical relation to each other to induce the narratives built and the shifts in emphasis as the conflict developed. Whereas strategic communication refers to the intensions of the two sides as to how their position and that of their opponent ought to be read, discursive practices is a broader term that also considers the social impact of the two sides' public communication. Thus, whereas strategic communication is induced from the frame analysis of the texts themselves, the discursive practices of the two sides are analysed by taking also into account the actual developments occurring.

5. Communicating from a position of weakness and labour law as a normative frame

DEDE is a very small trade union. Its members are vulnerable not only because they lack employment and income security, but also as applicants for the limited regular academic jobs that open up or are expected to open up in the near future. In addition, therefore, to the inherent instability of the working population which this trade union attempts to organise and represent – with many of them moving from temporary research to temporary teaching posts, from one university to another, from employment to unemployment and back again – the unionisation effort had also to overcome the fear people had of burning their bridges with respect to future career prospects in the country. Many expressed their uneasiness with the initiative for collective organisation and were worried that

participating in a process involving collective demands and possibly conflict with the University Authorities would jeopardise their chances for regular jobs, especially in such a small place as the Cyprus academia. Especially so since the University of Cyprus authorities simply ignored the first written approaches of the initiative. A fully-fledged independent trade union with formal bargaining capacity was then established. That done, membership growth remained slow. Although many workers were joining, others were leaving, a few of them into regular employment, but most emigrating or abandoning academia. By the time of the strike announcement, in late 2017, only half of the founding members were still around to strike[3].

In addition to DEDE's relative weakness at the organisational-associational level, it was also weak in terms of its economic-structural power resources. The university sector and the University of Cyprus had little to lose from a section of its staff withdrawing its labour. Undergraduate students do not pay fees and would not be too upset by missing a few classes, and any bad publicity generated would not affect the following year's intake of students (as might have been the case with a private university) because of the nature of the existing admissions system. These considerations from the University management's side probably played a role in the initially hard-line position it adopted. DEDE had also to face the absence of a militant trade union tradition in higher education in Cyprus and the very rigid hierarchies that characterised it. There are three trade unions in the sector, two in the public universities and one in a private one, but none had ever organised strike action.[4] At the institutional

[3] DEDE was founded by 40 PhD graduates in late 2015 and by late 2017 had reached 90 members with about two thirds of them working at the University of Cyprus. Although there are no official figures about the total number of PhD graduates employed at the University of Cyprus, according to DEDE's estimate the total number in 2017-2018 was around 150, so the union density for that workplace and bargaining unit was around 40% which is also what the law sets as the threshold for obligatory recognition via the Trade Union Registrar's Decree should the employer refuse to do it voluntarily. There were discussions among DEDE's leadership in 2016-2017 as to whether the threshold could be reached or not if the employer refused to negotiate, but this eventually proved not necessary.

[4] The trade union of academics at the University of Cyprus restricts the right of membership to permanent/tenure-track academics, which was what led the Initiative of precariously employed academics to become an independent trade union. Although the Initiative and subsequently DEDE did attempt to build alliances with permanent faculty this proved difficult as many permanent faculty staff remained indifferent, some hostile and the overwhelming majority not willing to risk a clash with the University Authorities over this. At the time of the strike at the University of Cyprus their trade union remained neutral refusing even to issue a public statement of support, unlike the two academic unions of other universities which did so.

level, DEDE was even weaker. Although the University Authorities did not refuse meetings and discussions with its leadership, they never formally recognised it for the purposes of signing a collective agreement and even ignored its calls for helping it access the email addresses of the non-tenure track academic workers. The University Authorities kept all meetings and discussions with DEDE's leadership informal and their outcomes in the form of promises, which eventually did not materialise.[5]

In these circumstances, focusing on the communicative/societal dimension was the only open and potentially fruitful road for DEDE. From the outset, in its first press releases, DEDE framed the issues at stake in an expansive way – in terms of the need for "equality at work" with respect to teaching, against "the trivialisation of high-quality academic work" with respect to low paid research posts, and concerning the need to counter the "brain drain as young scientists are forced to leave the country". It talked against the attempted consolidation of a "pool of low paid disposable young academics" and defended "meritocracy" against the "pre-exclusion of candidates" when the University of Cyprus attempted to institute a process of disqualifying candidates who had taught for three years from competing for temporary teaching positions. By the time of the proclamation of the strike in December 2017, DEDE had developed a comprehensive discursive framework through its press releases and public announcements and had established substantial media and social media visibility.

This general discursive framework placed emphasis on the lack of both "fundamental employment rights", and "academic rights", demanding "decent work" and participation "in workplace procedures and academic life". Different people prioritised different issues and aspects and this concerned both the PhD graduates as well as the wider society to which the appeal was made. Maintaining the balance between the 'economic' and the 'democratic' demands, the quest for professional recognition for

[5] Even after the strike and when in front of the prospect of a second strike at the time of the final exams the University Authorities decided to compromise and formally agree on a set of measures with DEDE's leadership, they insisted that these should not take the form of a collective agreement but to be instituted through administrative procedures internal to the university government structure, precisely in order to avoid a direct open recognition of DEDE as a collective bargaining agency.

example along with the claim for allocating more funding to casual staff was key to attracting support from diverse quarters. In the run up to the strike, this discourse balanced the general and the specific, the substantive and the procedural, and managed to make a convincing case. It also maintained the unity between older and more recent PhD graduates, from the natural and the social sciences, engaged in teaching and engaged in research.

Beyond protest and demand articulation, DEDE emphasised its readiness for dialogue during the strike period, but specifically for a substantive, comprehensive and structured one, based on its prior explicit recognition and in the form of collective bargaining. This was in line with Cypriot industrial relations traditions which are based on the principles of voluntarism in free bi-partite bargaining at sectoral/industrial and enterprise levels, and semi-institutionalised tripartite social dialogue from the national level going downwards (Sparsis, 1998). In the Cyprus context, there are no significant legal restrictions to trade unionism and strike action and the Code of Industrial Relations which governs procedurally the collective bargaining process is not a legally binding framework, but 'a gentlemen's agreement' acting more as a set of guiding principles to which the parties adhere voluntarily (Ioannou & Sonan, 2019). Overall, the state has a limited role in industrial relations, mediating only when asked by one of the two parties in disputes and after their negotiations fail. The Code of Industrial Relations does provide for a third and fourth stage in dispute resolution if both parties agree which are binding but historically this has been extremely rare as both employers and trade unions tend to avoid "binding arbitration" and "public inquiry" and opt for either compromise or delaying the resolution of disputes.

Collective bargaining in Cyprus operates at two levels – the sectoral/industrial level for some industries such as construction and hotels and the enterprise level for others such as manufacturing and where it exists in transport, trade and the service sectors. In banking, collective bargaining was conducted at the industry level but during the crisis the banking industry employers' association dissolved itself and forced collective bargaining to be conducted at the enterprise level. Employer associations play a significant role at national level, lobbying the government, participating in social

dialogue processes and guiding and advising their members which engage in collective bargaining at the industry and enterprise levels. As there are no extension mechanisms in place, collective bargaining coverage tends to converge to the national net trade union density, which stands at 45% (Ioannou & Sonan, 2019). The overwhelming majority of firms in Cyprus belongs to the category of small and medium ones and other forms of establishment-level interest representation such as works councils are very rare. In some big establishments there is sometimes staff representation in some enterprise management committees, but the limited influence of staff representatives in such structures does not allow this to be counted as constituting a form of interest representation alternative to trade unionism.

Based as it is on a tradition of voluntarism, the Cyprus system of industrial relations, can only function effectively if both sides are organized and strong enough, with the correlation of forces at the workplace or sectoral/industrial levels determining the type of compromise reached. This became more difficult in recent decades as density levels dropped, the precarious labour force segment expanded and trade unionism was generally weakened (Ioannou, 2015). The main trade unions are also affiliated directly or less directly to political parties and even the independent ones often have internal factions affiliated to political parties (Ioannou & Sonan, 2017). DEDE as a small independent trade union representing precarious workers was careful from the beginning not to be associated or branded as being affiliated to a political party both to remain open to PhD graduates of all political persuasions and to be able to attract support from as many political parties as possible at the critical moment.

Labour law, individual as well as collective, Cyprus' industrial relations tradition, the ILO and the EU policy guidelines were also utilised in several ways directly and indirectly, explicitly and implicitly. "Dignity at work" was for example the central slogan of the strike, echoing ILO's "decent work" agenda while the EU framework concerning the employment of researchers was also part of DEDE's campaign (DEDE, 2018b). DEDE hired a legal advisor in 2016 and in addition to discussing legal issues and implications of different strategies had also sent some legal notices to the University

Authorities regarding both individual cases and institutional policy before the strike. This was generally successful. For example, in 2016 the University Authorities had to back down from their attempt to impose the exclusion of contingent faculty from competing for teaching posts beyond three years after DEDE challenged on legal grounds the intended retro-active force of this policy. Thus, by the time of the strike, DEDE had already some experience in effective communication and use of labour law as an instrument of pressure.

6. The strike played out in the public sphere

After several months of waiting in vain for the implementation of a series of measures orally agreed with the University Authorities in the summer of 2017, the leadership of DEDE convened a general assembly in December 2017, which authorised a two-day warning strike at the beginning of the new semester, and issued a long press release about it (DEDE, 2017b). As there was more than a month's interval before the planned strike, the idea was that a compromise could still be reached, and the strike averted. However, the University Authorities adopted a hard stance with the Rector attempting to crush the planned strike by speeding up procedures for firing DEDE members, defaming the trade union, and spreading fear among contingent academics so that they would abstain from strike action. In one Department, the teaching contract of a leading member of DEDE was not renewed and despite the protest letter by DEDE the decision was not overturned. This incident contributed to an increase in the determination with which the planned strike went along. This signalled the beginning of a heated exchange of public statements by the two sides which became an almost daily affair. The main elements of this discursive exchange will be outlined here in terms of the arguments and frames adopted, the strategies and the resources employed by the two sides in their attempt to win public support. Rather than paraphrasing and analysing in general the statements of the two sides, characteristic translated extracts are used, allowed in a way to 'speak for themselves', illustrating more directly the communicative strategy and evolving emphasis, followed by explanatory comments.

The Rector's first response to DEDE strike's press release, published in several media which had asked him to comment was that he violated no agreement because "*there was no agreement in the first place*", that temporary teaching positions are meant to be "*opportunities for work experience*" and that "*the good ones stay*" (Constantinou, 2017). DEDE's response belied him, referring briefly to the email exchanges and the various meeting dates, and provoked him to be specific and explicit. With respect to the idea of opportunities for work experience, DEDE reiterated its position for a guaranteed percentage of posts kept for recent PhD graduates instead of instituting a ban on more experienced ones, a policy of affirmative action as opposed to one of negative discrimination. DEDE's defence of meritocracy as the sole criterion for hiring reversed the attempted connotation of the Rector's statement that those protesting are really those who are not good ones. "*Rational human resource management*" is what is needed for the good ones to stay claimed DEDE (DEDE, 2017f) opening up the issue – it was not about the treatment of some persons complaining, but about how the University manages its recruitment and retention procedures as a whole.

On Saturday 13/1/2018 with classes beginning on Monday 15/1/2018 and the strike scheduled for the beginning of the second week of Semester, the Rector was quoted saying in the biggest national daily Philieftheros and the English language daily Cyprus Mail that "*these kids do not work at the University anymore*", explaining that they were working in the previous Semester but "*currently have no employment contract*" as the University has not yet decided "*who will be asked to teach this Semester*". And continued "*those who are not currently employees cannot strike*", and thus for him the strike is a non-issue and that in any case "*the University will ensure that not one single teaching hour will be lost*" (Psyllou, 2018; Andreou, 2018)[6]. To this DEDE responded by calling the Rector to order for "*defaming the country's major public university*" and asking the Vice Rectors and the Senate, the Departmental Heads and all academics to take a stance vis a vis such statements which

[6] A day before in a scheduled meeting with the tenured faculty of a Department where many leading members of DEDE were placed the Rector had explicitly asked for the termination of the teaching contracts of five persons including DEDE's leaders. When the tenured faculty protested about the mess bound to be created with the teaching schedule the Rector reportedly stated that he had already contacted several Rectors from Greece and they could send over replacement teaching staff. This was blocked by most faculty as it was unlawful.

"*ridicule the University*" and are incompatible with the "*image and ethos that should characterise it*". The Rector's statements angered many DEDE members who felt insulted and helped some overcome their hesitations about the strike. The confident and strongly worded response by DEDE tapped into precisely that feeling and was instrumental in converting its members' anger into determination. Its warning that an appropriate legal response was also due to follow with respect to "*the Rector's statements and especially his actions*", demonstrated a willingness to see the strike out to the end, while it also informed the public that the staff due to teach had already been selected long ago, their names already published on the University website (DEDE, 2018f).

On Monday 15/1/2018 the University Council issued a statement in support of the Rector's line but although using the same perspective and argumentation it was milder and more careful in its wording. The frame used was a more directly political one, building the image of the ordered functioning of the University, "*proud because its students have never missed one hour of lecture because of strikes since its establishment*" and that the "*threats of a marginal group have nothing to do with the culture of the University*" (Cyprus Times, 2018). Interestingly it referred to "*its right to employ young scientists*" with "*contracts of services*" and that it would "*maintain the continuity of its programmes of study*". DEDE's response noticing both the covering of the Rector by the University Council but also the employer's rhetorical retreat, went on the offensive, claiming that DEDE is not a marginal group but a trade union representing the majority of contingent faculty, and the number of participants in the scheduled strike is increasing despite the bullying attempted. "*We are workers with contracts of employment performing high quality research and teaching work*" and the University "*uses us to win grants and rise up the university rankings with our publications…while treating us as cheap disposable staff*". It pointed out that the University only pays lip service to international good practices but does not apply them referring to the EURAXESS model (an EU template with suggestions of how to employ, integrate and retain non-permanent researchers) and informing the public that already DEDE had filed a complaint to the European Commission, finally wondering whether the "*culture of the University was that of cheap labour*" (DEDE, 2018e). Thus, it simultaneously challenged the legal position of the University, counterposed to the frame of order a

frame of exploitation incompatible with international practice and overturned the status ascription of marginality with the denotation of centrality and the connotation of the expanding crowd.

Meanwhile the University informed the teaching staff that there would be a delay in the signing of the contracts of employment, allowing the spreading of rumours that those due to strike on the second week would not be offered contracts. DEDE then published the letter of its lawyer addressed to the University Authorities pointing out the elements of "*inaccuracy and untruthfulness*" in the Rector's statements and the "*unclear and misleading*" points in the University Council's announcement such as the reference to "*contract of services*", complained about the defamation of DEDE and what was interpreted as the questioning of its constitutionally and legally protected right to strike. Moreover, it pointed out that the non-offering of signed contracts of employment to employees already working was unlawful and threatened with legal action (DEDE, 2018d). In the meantime, the number of potential participants to DEDE's strike continued to grow, including non-members and PhD students and various statements of support for DEDE by other trade unions, political parties and student groups started to appear in the public sphere. The dynamics of discursive conflict and DEDE's headway in the public communication battle escalated allowing it to make some progress also in associational power resource increasing the number of strikers –though not the number of union members.

This provoked a further organised retreat in the following days, as the statements of the Senate and Rectorate, while reiterating the substance of previous argumentation, were milder, acknowledging explicitly for the first time the right to strike, really their inability to prevent it, and announcing their intention to enter a general dialogue with all those concerned. This signalled already the victory of DEDE at the communicational level on the eve of the strike, which was fundamental for the higher than expected participation to the strike. In the week preceding the strike DEDE had already secured public support from a variety of organisations including most political parties and their youth groups, two of the three existing academic unions, two of the three trade federations and two of the three main presidential candidates. The issuing of statements of support by a variety of social and political forces

was published by mainstream media, circulated and commented upon in the social media effectively creating a positive public sphere environment for DEDE.

DEDE reiterated its openness to dialogue but only with a comprehensive agenda and in an institutionalised form, implicitly rejecting the suggestion of a top-down consultation meeting in the form of a general assembly. This began already to set the terms for the negotiations that were to take place in the weeks after the strike. Dialogue should be based on "*mutual respect*" and should lead into "*rational regulation*" said DEDE effectively pointing to the lack of respect shown by University management and the non-rational way University human resources were managed. DEDE's last announcement before the strike ended with a decisive reference to the overwhelming social and political support amassed, claiming that DEDE's struggle had proven to be much wider as it concerned "*the university and the students, the young scientists and the future generations of academics and the whole society*" (DEDE, 2018c)[7].

7. Labour law, political opportunity structure, and the implications for trade union communicative and societal power

The argument advanced in this article is that shifting the field of an industrial conflict from the workplace to the public sphere might allow a trade union to foster support for its cause, provided that it manages to frame that cause as just and morally salient. By drawing from its communicative and

[7] DEDE also published a second call directly addressed to the students asking them to support the strike (DEDE, 2018g) and FEPAN, the University of Cyprus students' union responded with a public announcement characterising DEDE's demands "absolutely just" and calling on all students to support DEDE (FEPAN, 2018). Groups of students wrote slogans supporting "victory to DEDE" and condemning the Rector for acting like a "feudal lord" while a lot of support was being expressed in the social media and reposted in DEDE's facebook page. The media itself, in contrast to what it often does with strikes by other groups of workers in the public sector was largely neutral in its stance, doing little commentary and restricting itself to presenting the official announcements of the two sides. Negative comments underneath media articles and in social media discussions were also rare – again as opposed to other strikes. On the one hand the strike was to last just two days and affected a few thousand adult students and thus not seen as socially disruptive and on the other it was difficult to paint an image of "selfish, privileged workers" given the actual employment conditions prevailing for this group. The strike made it to prime-time television news as well, with a fairly positive coverage, while by then the University Authorities refused to comment realising that they were only bound to worsen their image in the context that had been shaped with a public opinion friendly to the strikers.

societal power resource, a trade union can also inflict damage on the employer. Even if that damage concerns primarily its image, reputation and status, in the long run this might also have economic consequences. This raises the stakes of the conflict and the costs to both sides – but if the trade union communication strategy is sound and the cause articulated in such a way as to resonate with wider sections of society, it is possible to overcome a series of barriers which weaken trade unionism's access to its other three resources of power. Of course, social movement unionism remains a form of trade unionism and cannot but have the workplace as a central point of reference (Mathers, Upchurch & Taylor, 2018); however, the communicative and societal resource can help a trade union build its other power resources as well – in this case the associational and the institutional.

The ability of DEDE to frame its case in discursive terms that made sense to the broader society – arguing that employment carries/ought to carry inherent rights for example to sick leave, maternity leave and health care; that the appeal to "*experience gaining*" cannot justify low wages; and that scientists, most of them in their mid-30s, cannot be treated as "kids" – was crucial to winning public opinion. The comparison of the starkly different terms and conditions of employment of tenure-track academics with those of contingent faculty was also something that could be easily understood by the wider society as a blatant injustice. The support from some of the permanent faculty on this point was crucial: "*PhD holding Special Scientists* [the formal job title of contingent faculty] *are our colleagues not mere instruments for the cheap fulfilment of study programme teaching obligations as they possess all educational and research qualifications needed for tenure track positions and are in their current regime of precariousness by conjuncture and not any scientific, let alone human inferiority*" (Faculty English Department, 2018)

DEDE's strategy of partially shifting the field of the conflict from the workplace to the society through its public communication was even more vivid in terms of its use of labour law and more broadly of institutional traditions. Basic and historical labour legislation such as "*freedom of association*", "*the right to strike*", "*the protection from arbitrary dismissal*" and the special protection afforded to elected trade unionists were all extensively used in the context of DEDE's campaign, not

only to inform members and non-members but also as public negotiation cards. Likewise, the publication of the letters from DEDE's lawyer addressed to the University Authorities, beyond the appeal to legitimacy and a manifestation of strength, were subsumed again in a logic of public negotiation – bargain with us so that we do not resort to the court. Labour law, both individual as well as collective, was also treated as a normative frame in the public trade union discourse leading up to the strike alluding to notions of how employment should be in order to be fair. This was both in terms of generality – used, that is, as a guide in the articulation of demands but also in terms of specificity in order to secure protection to the union and its members and subvert the discursive frame of the University Authorities.

The "*contract of employment*" in opposition to the "*contract of services*", the existence of an employment contract from the time of the accepted offer irrespective of the time of signing (Dukes, 2018), the beginning of work on the first hour of the assigned date on the first day of the Semester and not the day of the week when the first class happens to be scheduled were all played out in the public via press releases and Facebook posts and collective email communication. On DEDE's initiative labour law, always implicit in structuring the perceptions of agents who are aware of its existence and ultimate force if there is a resort to court, became explicit and utilised directly. This came to shape the public discourses of both sides and the communicational battle fought. Beyond merely informing strategy in the sense of defining boundaries of permissible action, labour law was used primarily as a normative frame. Labour law and the national industrial relations system were thus not treated as merely the background context or used in their formal sense; DEDE neither restricted itself to demands and procedures within the existing legal and institutional framework – for example, no formal application was made by DEDE to the Mediation Service of the Ministry of Labour – nor had really the luxury to engage into a long legal battle and spend years pursuing cases in the courts. Labour law, both in its specific sources and as an idea, was instead used as an instrument with which to strengthen the trade union's position in communicative terms and mobilise its societal power resource.

The other important factor contributing to DEDE's success was its reading of the conjuncture and its strategic utilisation of the political opportunity structure. The timing of the strike was ideal. Some months before would have been too early as it would have rendered it subject to accusations of rushing, not allowing university procedures to take their time, and used as evidence that the whole thing was a project of militants interested in a disruption. A few months later would have been too late as many more members including leading ones would have been ousted from the University while the non-reaction of DEDE to the violation of a set of pledges by the University for a second time would have inflicted considerable damage on its credibility. Moreover, selecting the 2nd week of the Spring semester was important because it allowed most of the five weeks warning period to run during the Christmas holidays restricting the time that its members were vulnerable to bullying from hostile Departmental Heads and senior academics allied with the Rectorate. It also provoked the least disruption to the students and allowed DEDE several months ahead, during the Spring Semester after the strike, to negotiate from a position of strength. Being a week before the presidential elections, with society more sensitised in public affairs and the political parties and most civil society organisations ready to lend an ear to social demands was also helpful for DEDE's cause.

The conjuncture was fruitful for collective action with respect to factors within the University structure as well. The Rectorate had been involved in an intense conflict with the majority of permanent faculty and their union with respect to the former's effort to push through a general restructuring of the university governance in 2017 in which it failed and the expiration of its term in office was due later in 2018. This aborted reform plan involved among many other things, closer monitoring of academic performance in quantitative terms through managerial techniques and systems of economic incentives and sanctions, centralisation of administrative power and increasing the discretion of the higher echelons of university structure. The majority of permanent faculty had contested it both in terms of substance, seen as making the university resemble a 'company' and in terms of the high handed and non-institutional methods used by the Rectorate to push it through. This allowed many faculty members several months later if not to sympathise with DEDE's cause, at least to be at unease with the Rectorate's handling of the situation. Thus, in almost all the dimensions

identified by Tarrow (1994) as constituting a political opportunity structure were in place: there was a relative openness in terms of the institutionalised political system, DEDE was able to secure allies within the elite, elite actors were neither sufficiently united nor stable enough and the propensity or rather the capacity for repression was lacking.

Most of DEDE's demands were met, which lead to substantial improvements: more academic positions, better paid post-doctoral positions, increases in the hourly paid teaching rates, withdrawal of the rule excluding contingent faculty with three year experience from competing for teaching posts, and financial reward of published research conducted by contingent teaching faculty. It is important to note too that although the success of DEDE's strike did not result as expected in membership expansion in the subsequent months, it did initiate a dialogue about the possibility of uniting the existing academic trade unions into a federation, which is currently on-going. Also, one of DEDE's gains, the access to small funding for research done, measured via publications, was used in the negotiations of another academic union and finally also instituted in a different university later in the academic year 2018-2019.

8. Conclusion

This article has demonstrated that the power resources approach is a useful tool in the analysis of trade union action, pointing to specific research questions. It has also shown that the communicative-societal power resource of trade unions can be used as a privileged departure point for a successful trade union campaign and that strike action can also be oriented towards, and framed within, this logic. Strikes are of course largely historical phenomena and can only be explained in the last instance through rigorous empirical observation. The agency of the activists, leaders and led alike remains a central question and a determining force – yet the paths available and the decisions of actors are shaped by the broader contexts – economic and institutional, and the political opportunity structure. Through its guiding of empirical research, theory can account for these contexts and the structures and is thus indispensable in the analysis of trade unionism and the politics of its action.

With reference to a case study analysis of a successful strike by a weak trade union, this article has both contributed to the power resources theoretical model and has explained the specific contextual elements which made success possible in this instance. The generalisability and the applicability of the strategy informing the case examined is however neither automatic nor universal, as this particular group of precarious workers were highly skilled professionals with substantial "cultural" capital directly employed by a public sector employer. The precarious academics in this case study, because of their positionality and associated status as knowledge workers were able to both understand and, most importantly, instrumentalise law and communication, making the most they could out of the societal power resource. Other groups of precarious workers, less skilled and more socially and politically marginalised, subsumed in subcontractor networks, might not be able to use law and communication as readily and as successfully as DEDE did.

Nonetheless, the argument made in this article is a significant contribution to industrial relations theory because it illustrates the interplay of context and strategy and how the power dynamics in industrial disputes may be shifted. It demonstrates how labour law can be integrated within a communicational politics, geared to winning public support and exerting pressure on the employer, not directly via initiating litigation but indirectly through mobilising societal support. Through this exciting case study, it illuminates how communication could be used to "balance out" trade union weakness via expansive framing and taking full advantage of the existing political opportunity structure. By making the case that the communicative power of trade unions has significant potential and deserves more attention, it has produced general insights with both theoretical and practical implications for the future of trade unionism in our age.

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